

REMARKS

Claims 14-19, 21 and 23-34 are now pending; of which claims 16, 17, and 24-29 are withdrawn as non-elected.

Applicant thanks the Examiner for accepting the claim amendments, drawings and substitute specification filed on April 19, 2004.

Claims 30-32 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ogawa (U.S. Patent No. 5,694,203 A).

Claims 21, 23, 33 and 34 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yahav et al. (U.S. Patent No. 6,057,909 A).

Applicants traverse these rejections and kindly request reconsideration.

Claim Objections

Claim 30 has been cancelled rendering its objection moot.

Prior Art Rejections

Rejection of Claims 30-32 under section 102 based on Ogawa

Claims 30-32 have been cancelled for a speedier resolution of this case. The Applicants reserve the right to file a continuing application including claims 30-32.

Rejection of Claims 21, 23, 33 and 34 under section 102 based on Yahav et al.

The Examiner has rejected the above claims, which recite both lights with linearly varying intensity, based on a newly cited reference Yahav.

The Applicants respectfully submit that while Yahav may disclose a linearly varying intensity of light, **it does not disclose illuminating an object sequentially with a first illumination light and a second illumination light, both having a linearly varying intensity.**

Yahav discloses only one illumination light 40 that illuminates the object 28. While two modulations are shown, they refer to the modulation of illumination and the modulation of reflection. For example, Fig. 6A of Yahav shows two graphs. However, only the top graph depicts modulation of illumination. On the other hand the bottom graph depicts modulation of reflection.

The Applicants respectfully submit that claims 21, 23, 33 and 34 should be allowed at least because Yahav does not disclose or suggest illuminating an object sequentially with a first illumination light and a second illumination light, both having a linearly varying intensity.

Allowable Subject Matter

Claims 14, 15, 18 and 19 are allowed.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 09/418,441

Attorney Docket No. Q56262

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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